

IMPORTANT COURT DECISIONS

U.S. Supreme Court:

Trinity Lutheran Church of Columbia, Inc. v. Comer, Director, Missouri Department of Natural Resources, No. 15-1577

On June 19, the Court, ruled in a controversial decision affecting the Establishment Clause that a state agency in Missouri had violated a Church's First Amendment Right when it refused to allow a church to participate in a state-funded program that gave materials for its daycare playground.

The Missouri Department of Natural Resources ran the Pre-Scrap Material Program that allocated recycled tire material for surfaces of governmental recreational areas. The only parties that were eligible for these materials were governmental entities. Comer argued that the Missouri Constitution prohibited distribution to religious groups, sects, or other private entities because the funding came from the state government. When the Church requested materials for its non-profit day care and pre-playground the Department refused citing the Establishment Clause.

On appeal to the U.S. Supreme Court the justices held that the state had violated the church's free exercise of religion because the only reason for the denial was based on religion only.

The decision is only applicable in this particular case and does not affect any other issue at this time.

News from the PA State Supreme Court:

Thomas Jefferson University Hospitals, Inc. v. PA Dept. of Labor & Industry

The Personnel Files Act (43 PS §1321-1324) allows a current employee, a laid off employee with reemployment rights or an employee-designated individual to examine the employee's Personnel File (subject to the definition of personnel file).

In an older Commonwealth Court decision, *Beitman v. Dept. of Labor & Industry*, 675 A.2d 1300, 1996 it ruled that even a terminated employee had the right to access his file within a reasonable time frame.

Elizabeth Haubrich, a nurse anesthetist, was discharged on August 9, 2013 and a week later she demanded the right to examine her Personnel Files Act. The hospital refused arguing that she did not meet the definition of employee under the Act had no rights. And Commonwealth Court, disagreed and ruled that she could have access based on the *Beitman* decision. The PA State Supreme Court reversed, stating that the definition of "employee" clearly did not apply to

Haubrich as she discharged without any reemployment rights on June 20, 2017 in *Thomas Jefferson University Hospitals, Inc. v. PA Dept. of Labor & Industry*, No. 30 EAP.